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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,065	10/31/2003	James A. Parker		2600

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EXAMINER
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TO, BAOQUOC N

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/699,065	PARKER ET AL.	
	<b>Examiner</b> Baoquoc N. To	<b>Art Unit</b> 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 August 2006.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 30-36 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/24/2006</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____.                         |

### **DETAILED ACTION**

1. Claims 1, 19 and 29 are amended and claims 30-36 are withdrawn in the amendment filed on 08/24/2006. Claims 1-29 are being examined.

#### ***Election/Restrictions***

2. Applicant elected Group I without traversed in the restriction requirement on 04/10/2006. In response to Non-final office action 06/14/2006, the applicant filed an amendment to amend claims 1, 19 and 29 and changes the status of claims 30-36 to withdrawn. The examiner suggests applicant to cancel these claims rather than withdrawn from the examination.

#### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 08/24/2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

#### **MPEP 2106 IV. B.2. (b)**

A claim that requires one or more acts to be performed defines a process. However, not all processes are statutory under 35 U.S.C. 101. Schrader, 22 F.3d at

296, 30 USPQ2d at 1460. To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application within the technological arts.

4. Claims 19-29 in view of the above cited MPEP section, are not statutory because claims they merely recite computing steps without producing any concrete and useful result and/or being limited to a practical application within the technological arts. Applicant's specification discloses functional modules can be suitable implemented by hardware, software, or both. Therefore, the claims direct to data structure which is non-functional descriptive material. The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*. Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994). Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.").

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1, 19 and 29 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues "Chanhok fails to discloses or suggest the claimed subject matter. As set forth above, the claimed subject matter is directed to facilitating the collaborative update process by receiving and providing delta files, which indicate difference between a current version and a preceding version, to intended recipients that accessed the preceding version. The use of delta files, as apposed to transmitting the entire updated version of file, results in certain advantages, such as reduced bandwidth requirements..."

In response to the argument, the examiner introduced the secondary reference which directs to amendment which including the use of delta files.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chandhok et al. (WO 01/16804 A2) in view of Allen et al. (US. Patent No. 6,026,410).

Regarding on claims 1, 19 and 29, Chandhok teaches a method for facilitating collaborative updating of a file, the method comprising:

(a) accepting from one of the plurality of users, and storing a first data set (i) representing a first version of the file (col. 5, lines 4-6) and (ii) designating one or more recipient of the initial version (col. 5, lines 30-35)

Candhok does not explicitly teach then, for each one of a plurality of sequentially updated versions of the file: accepting, from one plurality of users, a second data set (i) including a delta file comprising a delta indicating the different between the updated version of the file and an immediately previous version of the file and (ii) designating one or more recipients of the updated version; and transmitting a third data set representative of the updated version of the file to the recipient of the updated version designed by the second data set; wherein for each recipient designed by the second data who access the immediately previous version of the file, the immediately previous version of the file, the third data set consists substantially of the different between the updated version of the file and previous version of the file.

However, Allen teaches then, for each one of a plurality of sequentially updated versions of the file: accepting, from one plurality of users, a second data set (i) including a delta file comprising a delta indicating the different between the updated version of the file and an immediately previous version of the file and (ii) designating one or more recipients of the updated version; and transmitting a third data set representative of the updated version of the file to the recipient of the updated version designed by the second data set; wherein for each recipient designed by the second data who access the immediately previous version of the file, the immediately previous version of the file, the third data set consists substantially of the different between the updated version of

the file and previous version of the file (as to corresponding to once the action request has been opened, the delegate may further delegate the action request. Of course, if the delegate is not using the present system, he or she can not do this except through standard e-mail communication. At this point, in one embodiment, the user can further delegate the action request by adding a "Please new delegate" to the action request. This, in reparsing, directs the action request to the new delegate. In an alternative embodiment, the user can manually select a new delegate in the header, and thereby forward the action request. The action request is readdressed to the new delegate, and sent on. The original delegate becomes a requester at this point. However, the original delegate is still has to respond to the original requester...One of the these choice can be selected by the user, as the reply to the action request. In one embodiment these can be made by the user, as the reply to the action request. In one embodiment these choices include: Yes, Yes if, No, Comment, and Done. The Yes reply indicates that the delegate accepts the delegation, and will perform the action requested. A Yes if reply indicates that the delegate is willing to perform the action requested, but is making a counter-suggestion. For example, the counter suggestion may be to change meeting date. A No reply indicate that the delegate accepts the delegation, and has completed the project assigned. And finally, the Comment reply indicates something outside of these categories. For example, if the delegate feels that the requester misunderstand the project, this reply must may be utilized. Other reply choices may be incorporated without changing the fundamental purpose of the present invention..." (col. 30, lines 54-67 to col. 31, lines 1-30). This passage suggest the recipient able to change or update

the project and send it back to the originator or forward it to the new delegate. Upon receiving the message the recipient able to see the recent work perform by other delegate which is the delta file. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Chandhok to include the updating of the project by each recipient by email transmission or to forward the project to other delegation to complete as taught by Allen in order to allow the each distribute user to complete their task as assign in the project.

Regarding on claims 2 and 20, Chandhok teaches the method of claim 1 further comprising, before accepting the first data set:

having one of the users originate an original version of the file (col. 5, lines 13-15); and

then accepting a plurality of sequential updated versions of the file prior to the first version (col. 5, lines 17-29).

Regarding on claims 3 and 21, Chandhok teaches the method of claim 1 wherein for each recipient of the of the updated version who was not also designated as a recipient of the previous of the previous version, the third data set consist substantially of the file as updated (col. 5, lines 33-35).

Regarding on claims 4 and 22, Chandhok teaches the method of claim further comprising storing the data sets as data files within a hierarchical structure of directories (col. 5, lines 10-12).

Regarding on claims 5 and 23, Chandhok teaches the method of claim 4 further comprising generating a plausible unique identification code associated with the file,

wherein each directory includes in its name at least a portion of the identification code (col. 5, lines 10-12).

Regarding on claims 6 and 24, Chandhok teaches the method of claim 5 wherein the identification code includes digits that are of a statistically uniform distribution (col. 5, lines 10-12).

Regarding on claims 7 and 25, Chandhok teaches the method of claim 4 further comprising, for each of the plurality of users, generating plausible unique identification code associated with the user, wherein each data file includes in its name at least a portion of an identification code associated with one of the plurality of users (e-mail addresses) (col. 5, lines 1-3).

Regarding on claims 8 and 26, Chandhok teaches a method of claim 1 wherein difference data of the second data set includes data identifying bytes of the version that differ (col. 7, lines 10-20).

Regarding on claims 9 and 27, Chandhok teaches the method of claim 1, wherein different data of the second data set includes data identifying block of the versions that differ (col. 7, lines 10-20).

Regarding on claims 10 and 28, Chandhok teach the method of claim 1 further comprising:

providing a file server accessible to all the plurality of users (users access to local workgroup files) (col. 6, lines 15-18); and

having the file server accept and transmit the first, second, and third data sets (col. 6, lines 18-21.

Regarding on claim 11, Chandhok eaches the method of claim 10 further comprising:

providing an e-mail server accessible to all the plurality of users (user access to the e-mail server) (col. 5, lines 1-3);

having the e-mail server relay e-mail message among the plurality of users, wherein the e-mail message each include a reference by which designated recipient can retrieve a data set from the file server (col. 5, lines 30-35).

Regarding on claim 12, Chandhok teaches the method recited in claim 11 wherein references are attachments that each contain code implementing a direct file access module (col. 6, lines 25-30).

Regarding on claim 13, Chandhok teaches a method in claim 11 wherein the e-mail message each further include a message encoded with data stream having a series of frames, the frames comprising:

a message recipient frame (col. 5, lines 30-35);

a file viewer frame including a header (col. 5, lines 25-26); and

a file editor frame including a header (col. 5, lines 25-26);

wherein at least one of the viewer and editor frame include (1) for the viewer frame, data identifying a viewer authorized the view of the file and (2) for the editor frame, data identifying an editor authorized to modify the file (col. 5, lines 30-35).

Regarding on claim 14, Chandhok teaches the method of claim 10 further storing the data sets as data files within a hierarchical structure of directories (col. 5, lines 10-12).

Regarding on claim 15, Chandhok teaches the method of claim 14 further comprising generating a plausible unique identification code associated with the file, wherein each directory includes in its name at least a portion of the identification code (col. 5, lines 10-12).

Regarding on claim 16, teaches of claim 15 wherein the identification code includes digits that are of statistically uniform distribution (col. 5, lines 10-12).

Regarding on claim 17, teaches the method of claim 10 further comprising having the file server store data in a separate file data set for each one of the plurality of users (col. 7, lines 5-10).

Regarding on claim 18, teaches the method of claim 17 further comprising, for each one of the plurality of users, generating a plausible unique identification code associated with the user, wherein each file data set includes in its name at least a portion of an identification code associated with one of the plurality of user (col. 7, lines 5-17).

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) –273-8300 [Official Communication]

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BQ  
Baoquoc N. To

November 10th, 2006

*John E. Breene*  
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SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100